

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1076 of 2019

- Mahendra Pal @ Mohinder Singh Khurana S/o Late Gurubaksha Singh Surana Aged About 51 Years R/o Maha Laxmi Market, Pandri Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Gole Bazar, Civil And Revenue District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivraj Singh, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/08/2019

1. Heard.
2. The applicant has filed this application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is arrested in connection with crime no. 31/2009, registered at Police Station Gole Bazar, Distt. Raipur (C.G.) for the offence punishable under Sections 419, 420, 467, 468, 471, 34 & 120-B of the IPC.
3. As per prosecution story, complainant Prakash Lal Pamnani has made a written report to the concerned police station alleging therein that the complainant and one Tekchand Mulchandani is the owner of diversion land bearing Khasra No. 292, 299/1, 535 & 536 situated at Pandri Tarai Raipur and after death of Tekchand, his legal representatives Kamla Bai, Ratan Lal, Ghanshyam Das, Shanta Kumari @ Rajkumari and Kavita @ Promila have registered their names in revenue record. In the year 2008, the complainant came to know the fact that someone else by using his name sold his land. On the basis of said report,

offence has been registered against the applicant and other co-accused persons.

4. Learned counsel appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the present case, he further submits that there is no evidence available on record on the basis of which prima facie any offence can be made out against him. Virtually, neither the seller known the complainant nor he met the complainant. Co-accused Jasbeer Singh Hora has executed the sale deed to complainant. Later on a fake person by using the name of Prakash Lal Pamnani sold the said land to co-accused Rajesh and other co-accused persons had identified the said fake person. Virtually, the applicant has not cheated to anyone whereas cheating has done with him.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, particularly, evidence collected by the prosecution and further considering the fact that from the perusal of report made by Prakash Lal Pamnani itself shows that neither the seller known the complainant nor he met the complainant. In these circumstances, in my considered opinion, without further commenting on merits of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on each of them furnishing personal bond in the sum of Rs. 25,000/- with one surety each for the like sum to the satisfaction of the officer arresting him and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made themselves available ` for interrogation before the concerned Investigating Officer as

and when required;

- II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal o the trial.
10. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge

Shubham